Dorothy Stone 9-15-48
1-16-57

Dep't —

Dep't Exh. No. 5(11)

Notes of accountant for my Executrix

~~At present I am employed by the Navy Dept.~~
~~NCDO P.R.N.C. Navy Central Laboratory, Office~~
~~Potomac River Naval Command, Alexandria, Va.~~
~~under Civil Service, Employee # 810680~~
~~Pay-Tag # 03924~~

~~Any back pay due me, including annual~~
~~leave allowance, will have to be requested,~~
~~from the P.R.N.C. in the form of a claim.~~
allow 1 year

Any money on deposit with the Navy Credit Union, held by the National Metropolitan Bank, 613 15th St. N.W.
Book 5556 10.50 ? due me

I have no Bank accounts, since my experience with a forged check in 1938.

The money accumulating in my Retirement Fund (which will accrue to me upon retirement) is at present designated, under Beneficiary form # 2806-1 (3).

allow 1 year

any money on deposit with the Navy Credit Union, is held by The National Metropolitan Bank, 613 15th St. N.W.

Book 5556 : 10.50 ? due me ?

I have no Bank accounts since my experience with a forged check in 1938

The money accumulating in my Retirement Fund (which will accrue to me upon retirement) is at present designated, under Beneficiary form = 2806-1 (Stamped on my returned carbon copy. "Recd by C.S. Commission 5-17-48")

as a gift to the Protestant Episcopal Theological Seminary of Alexandria, Va. in memory of my parents

Jessie Thomas & Willa Graeme Lockwood my mother. Graeme Thomas Safford my husband. Reginald Wycliffe Gabre.

3047 Porter St NW : Lot 83 Sq. 2061 is at present rented for $100.00 per month. Taxes for 1947 $87.60

Vearie 9-15-48
1-12-54

[illegible] on the 3rd floor [illegible] with Gale
Cook. Rooms next [illegible]
[illegible] Books, Vases, China and [illegible]
of ornamento trim. & furniture are in the NE
basement. The key to the [illegible] Cook
to any [illegible] to the door, in front
[illegible] all other [illegible]

Mrs Vearie's jewelry was [illegible] 5 bet
1936 Have only costume jewelry at
present.

Executors
Mr & Mrs Norman W. Veare,
509 Cambridge apts., Elkan Park,
Phila. 44 Pa.

Mrs Vesta Lovell Haynes, (my cousin) —
Montpelier Road, Barre, Vermont.

My valuable jewelry was pawned & lost in 1936. I have only costume jewelry at present.

addresses

Mr & Mrs Norman W. Geare,
589 Cambridge apts! Allan Park,
Phila. 44. Pa.

Mrs Vista Lovell Haynes, my cousin
Maulfelich Road, Barre, Vermont.

my brothers children all live at
2200 16th N.W. Washington D.C.

T. W. HYNSON.
Ol Chauncey Apts. Wisconsin Ave. N.W.
Her daughter, Mrs Howard H STUDT
1624 Spring Rd. N.W.
Mrs Viola A. Hynson
1805 Gramercy Rd. N.W. Washington D.C.

Of course all this is uncertain I may live so long that all of these things may be sold and you will not be troubled by any of it -

Most gratefully

Dorothy Gore

7-20-48

1-16-54

(Filed Jan. 18, 1955)

1805 QUINCY STREET, NORTHWEST
WASHINGTON 11, D. C.

February 17, 1954

Mrs Frank A. Hodson
1805 Quincy Street, N. W.,
Washington 11, D. C.

Dear Vi:

I am writing this memo in order to facilitate your work in disposing of my tangible personal property mentioned in Item "IV" of my Will dated February 2, 1954.

First I wish to express to you, my devotion and gratitude for your love and care, and above all for your unfailing faith in me. Many times when all the World seemed black you have boosted my spirits and given me a new outlook on life. I shall be ever grateful for all you goodness to me.

The years since I came to you, in March 1942, have been happy ones. As I have told you I have lived in your home longer than any place since I was born, July 5, 1889. I wish to thank Frank for all of his understanding care that has really made me feel secure in your home. Katie and Edna too, share in my grateful thanks. They have been wonderful understanding friends, and I love them dearly.

Now to my reason for this memo. First I wish to state that my valuable jewelry was pawned and lost in 1936. I have only costume jewelry at present.

I have given you, from time to time, my silver and china; but if there is any left I want you to have it, together with all of the furniture, furnishings, boxes of books, ornaments, and contents of trunks, not already disposed of, stored in the basement of my house 3047 Porter Street, N. W., including all furniture of the house, to dispose of or keep as you desire.

I would like Marguerite Weller Hynson to have my Pi Beta Phi pin; Katie Ayre my new two-stone zircon ring, and Edna Hetzel to select some costume jewelry. The rest

is to be divided between Marguerite Hynson, her daughter Margaret Studt and you, Vi. Selection to be made in the order named, or divided as you see fit.

I hope you will be able to distribute the specifically named articles to the within named persons, provided they are living. I not living please dispose of any or all as you see fit.

To Frank Hodson please give my coin collection to add to his, and to Katie Ayre, all of my wearing apparel, including my fur coat. A silver on copper tray with the "Geare" coat of arms, I would like to go to Norman Geare, if he cares to have it.

A silver vase, given my mother in 1911, when she retired as State Regent of the District of Columbia Daughters of the American Revolution, I would like placed in the D A R Chapter House on Massachusetts Avenue, if you think they would like to have it.

To the children of my brother, namely, Grahme T. Smallwood, Jr., Elizabeth Anne Wier and Eleanor Warrene Beasley such photographs or family mementos they might desire, should they evidence any interest, but doubt that they will do so.

Any photographs, albums or scrappbooks not selected by my nieces and nephew, are to be given to my cousin Vesta Lovett Haynes of Barre, Vermont, if she cares to have them. I would also like her to have the small gilt spool mirror hanging in my room in your home.

Any thing I have not mentioned here I am sure you will see has the proper resting place. Of course all of this is uncertain as I may live long enough to dispose of these things and you will not be troubled by any of it.

Thanks dear from a most grateful and loving heart,

Always lovingly,

DOROTHY S. GEARE
Dorothy S. Geare

Excerpts From Transcript

38 (The jury was polled on Issue No. 1, and each juror responded "Yes" as his name was called.)

* * * * * * * * * * *

Issue No. 2 is a question whether the will was obtained by undue influence. I want to repeat that undue influence does not mean every kind of persuasion or every kind of influence. Influence gained by kindness or by affection is not undue influence, if no fraud or no imposition is practiced. Legitimate persuasion and argument is not undue influence.

For example, a person has a right to argue, if he wants to, when a person is making a will, that he should be mentioned in the will, and he may make his claim either on kinship or friendship or kindness or service or on need or any other consideration. So long as fair and legitimate and honest argument is used, which does not go to an oppressive degree where it becomes coercive, any such influence is not undue influence and it is perfectly legal.

In order to constitute undue influence, it is influence exerted by improper practices or oppression or coercion, or imposition or fraud, to such an extent that the mind of the person making the will is overcome, the free agency of that person is destroyed and the will does not express the real intentions and the real desires of the person making the will, but the intentions and desires of another person.

Unless you find that there was influence in this case to the extent that I have indicated, to the extent that the mind of the testatrix was completely overcome and her free agency destroyed by mental oppression or coercion or imposition or fraud, or in some other way, there is no undue influence.

Now, of course, undue influence, just as any other fact in any other case, may be proved by circumstantial evidence. It does not have to be proven directly. It may be a matter of inference. But, nevertheless, mere possibility or suspicion of undue influence is not enough.

On the issue of undue influence the plaintiffs have the burden of proof. They have the burden of proving undue influence by a fair preponderance of the evidence. And if the plaintiffs fail to make that proof, or if the evidence is evenly balanced, then the verdict must be for the defendants.

There is one other circumstance. To be sure, if a confidential relationship is established between the testatrix and the person mentioned in the will, and it is established that the person mentioned in the will was instrumental in procuring the preparation and the execution of the will, then the law calls upon the person mentioned in the will for some explanation, and it is for you to decide whether the explanation is satisfactory.

Mrs. Hodson gave a long explanation as to how the will came to be executed in the way it was executed. If her story is true, there was no undue influence. You have the decision of the question as to whether her story is true. You have seen her testify, you have heard her testify, and some of the other witnesses corroborated certain of the details of her testimony. If you are satisfied with her testimony and with her explanation, then there is no undue influence and your verdict should be in favor of the defendants.

To summarize, undue influence is not just any kind of influence. It is not influence gained by kindness or affection or legitimate argument; but it is an influence that coerces the other person's mind, by imposition or fraud or oppression or in some other way, so that that person's free will is completely overcome. And on this issue, as I said before, the plaintiffs have the burden of proof.

Of course, if you find that undue influence, as I have defined it, was the procuring cause of the will, then your answer should be "Yes" to question No. 2. But if you find that the plaintiffs have not proven undue influence, by a fair preponderance of the evidence—again the finding of undue influence as I have explained it—then your answer should be "No."

So much for Issue No. 2.

Now, then, on revocation. In order to revoke a will, as I explained to you yesterday, two things must concur. First there must be some physical act of revocation, such as a tearing. Second, there must be mental intention to revoke the will. In other words, the physical act of revocation must have been performed with an intention to revoke. Otherwise there is no revocation.

For instance, if a person by accident tears his will, and says "Well, now, I did it accidentally; I thought I was tearing up some other document," that does not revoke the will. The will can be probated and it is perfectly valid. But if he tears it, intending to revoke it, that of course is revocation.

In this case the will was executed in duplicate. Both the original and the carbon were executed. The undisputed testimony is that at some later date the testatrix tore the carbon copy. The original remained intact. The question for you to determine is, Did the testatrix intend to revoke the will when she tore the carbon copy?

The only testimony on that issue is the testimony of Mrs. Hodson. She testified that Mrs. Geare, the testatrix, was tearing some other papers and that this carbon copy was folded in or held with the other papers and was torn by Mrs. Geare accidentally; and Mrs. Geare immediately saw her mistake and right then and there the carbon copy was patched up with scotch tape. You have a right to reject or to accept this testimony. If you accept it, there is no revocation. And that testimony is not denied. You also have a right to consider that the original remained intact.

On the issue of revocation, again, the burden of proof is on the plaintiffs to establish that the will has been revoked, by a fair preponderance of the evidence. If the evidence is evenly balanced, the verdict must be for the defendants. In other words, if you are convinced that there was no intention to revoke, then of course there is no revocation. But if you find that the evidence is evenly balanced, you must also

find that there is no revocation. Your duty to find revocation is only if it is established by a fair preponderance of the evidence that there was intention to revoke the will when the carbon copy was torn.

Now, then, Issue No. 3 is a question as to whether the will was revoked. If you find that it was revoked, bearing in mind my instructions on the law, then your answer will be "Yes." If you find that the will was not revoked, or if you find that the evidence is evenly balanced, then your answer will be "No."

. . . . . .

59 (The jury was polled on Issue No. 2 and Issue No. 3, each juror being asked to state his individual verdict as to each issue, and each juror responded "No" to each of those two questions.)